

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:15-CR-62 JCM (CWH)

Plaintiff(s),

ORDER

V.

LOUIS MATTHEWS, et al.,

Defendant(s).

Presently before the court is defendant Louis Matthews' motion for appointment of new counsel. (ECF No. 246).

On October 12, 2016, a jury found defendant guilty of counts one and three of the superseding indictment in the case. (ECF No. 165). On February 1, 2017, the court sentenced defendant to ten years on count one and life on count three, to run consecutively to count one. (ECF No. 213).

On February 9, 2017, defendant filed a notice of appeal. (ECF No. 218). On September 7, 2017, defendant filed a letter with this court requesting new counsel. (ECF No. 246).

“Once a notice of appeal is filed, the district court is divested of jurisdiction over the matters being appealed.” *Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001). On February 9, 2017, defendant filed both the present motion and a notice of appeal. (ECF Nos. 217, 218). This court therefore lacks jurisdiction to grant defendant’s requests.

If defendant wishes to request the same from the court currently exercising jurisdiction over the case, counsel may file the motion in the applicable Ninth Circuit case.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion for appointment of new counsel (ECF No. 246) be, and the same hereby is, DENIED.

DATED September 12, 2017.

Xenia C. Mahan
UNITED STATES DISTRICT JUDGE